

Called meeting of the City Council.

Austin, Texas, April 5th, 1907

Hon W O Shelley Mayor, presiding
Roll Called

Present Aldermen Armstrong Crooker Cuneo Haynes Hutz
Macken Miller Moore Petri Powell Redd York Rosenberg
Swisher

Absent Alderman Scott

Alderman Moore moved a Call of the Council, which was Seconded, and the Marshal directed to bring in the Absentee.

Alderman Scott entered the Council Chamber and answered to his name.

On motion the Call was suspended
The following Call of the Council was read

Austin, Texas, April 5, 1907

To the members of the City Council of the City of Austin
Gentlemen:

A Special Session of the City Council is hereby called for April 5, 1907, at 5 o'clock P.M. in the Council Chamber at the Ninth Opera House building, in Austin, Texas. Said meeting is called for the purpose of considering the report of a general committee of certain members of the Council and citizens, which were heretofore appointed for the purpose of formulating a contract with the Consolidated Construction Company for the construction of the dam across the Colorado River at Austin, Texas, and to further act on such report by either adapting or rejecting the same, and for the further purpose of passing such ordinance as the Council may deem necessary authorizing the City to enter into a contract with the Consolidated Construction Company for the building of a dam across the Colorado River, at or near the City of Austin, and for the purpose of fixing in said ordinance the terms and conditions of said contract, and to do any other thing that may to the Council seem just and proper in considering the contract or ordinance leading towards the entering into a contract for the building of the dam between the Consolidated Construction Company and the City of Austin.

W O Shelley Mayor

A E Cuneo

T Hutz

E M Miller

S J Crooker

Austin, Texas, April 5th, 1907

I hereby certify that I have served the above notice,

Having same read to officers Stanford and Putney, &c
to each of the following named Aldermen, Fourth:
W. C. Nixon, H. C. Read, A. E. Kunes, G. Powell, L. M. Crookshank,
C. Von Rosenberg, Joe Macken, C. J. Armstrong, George Elton,
C. H. Nichols, H. E. Barnes, F. R. Scott, Geo. Moore and
John Hartz
Very Resd.

H. J. Morris

City Marshal

Edmonia Bunn presented the following report
Austin, Texas, April 6, 1907
To the Hon W. D. Shedd, Mayor, and City Council
of the City of Austin

Gentlemen:

We, your Committee, composed of citizens and
members of the City Council, heretofore appointed by the
Council and citizens, beg leave to report that we have
for the last few days given special attention to
framing an ordinance, which we think will amply
protect the City's interest in the making of a contract
between the City of Austin and the Consolidated Construction
Company, for the building of a dam across the Colorado
River, at or near the City of Austin.

We have had with us a number of the most intelligent
and cautious citizens of the City; have had the advantage
of careful and good serviceable legal advice, especially from
Judge Wm. Brown of this City; have had the advantage of
expert knowledge from Dr. J. U. Taylor and Dr. A. C. Scott
of the University; and have received the contract, section
by section, carefully a number of times with a number
of our most intelligent business men, and we beg to
report that the ordinance, which we herewith submit,
covers, in our opinion, such an agreement as the City would
be glad to enter into. It safeguards, in our opinion, the
interests of the City in every particular, and, if we can enter
into a contract with the Consolidated Construction Company
along the lines, as set out in the ordinance herewith
submitted, we think it would be of great advantage to the
City of Austin and her interests. We wish to say, that in all
the meetings had by the Committee and by the sub Committee,
great interest was taken by all members of the Committee
in this venture, and at no time has any member of the
Committee lacked enthusiasm on energy, nor has
anything been omitted so far as we are able to ascertain
by any knowledge the Committee.

Our meetings have universally been held with the view
of an intelligent discussion of the contract and
the same has been discussed at length by all
members of the Committee.

Report Dam
Committee

The meetings were uniformly characterized by intense interest, good humor and wisdom. The interest, and enthusiasm of Cal McCutchie ^{was} contagious, and while the Committee embodied all his enthusiasm and good judgement, we do not think his enthusiasm effected us to the extent of omitting any detail of the contract, which might be of benefit or interest to the citizens. I beg to herewith transmit to the Council the hereto attached ordinance, and recommend its passage in its present form, as the same embodies our ideas of a legal and advantageous contract for the City.

A. E. Linn Chairman
Frederick C. Von Rosenberg Secretary

In relation the report of the Committee was adopted by Alderman Clegg An Ordinance Leasing to the Consolidated Construction Company, aforesaid Corporation, a franchise to erect and maintain a dam across the Colorado River at or near the location of the dam formerly erected across Said River by the City of Austin, and the franchise or privilege to Said Corporation to overflow the lands formerly overflowed by the back water of Said Dam, and providing for the conveying and delivering to and the use by Said Corporation of the materials and property formerly owned and used by Said City in operating its water power plant, except such property as is in use in the operation of the present steam power plant, and providing for the furnishing to the City by Said Corporation power to operate the water, light and power plant of the City of Austin, and providing for the payment of annual rentals by the City for such power.

The ordinance was read the first time and on motion of Alderman Crook the rule was suspended and the ordinance placed on its second reading by the following vote

Yea Aldermen Armstrong Crook Linn Hayes	
Wilson Petri Powell Scott Von Rosenberg & Wilhelm	10
Nay Aldermen Hatz Macken Moore & Redd	X

The ordinance was read the second time

Alderman Crook moved that the Council adjourn until 5 o'clock tomorrow April 6th 1907, which motion prevailed by the following vote

Yea Aldermen Armstrong Crook Linn Hayes	
Petri Powell Scott Von Rosenberg & Wilhelm	7
Nay Aldermen Hatz Macken Moore & Redd	6

R. C. S. Johnson
City Clerk

Adjourned Called Meeting

Austin, Texas, April 6th, 1887

For W. S. Bell Mayor, Presiding
Call Called

Present Alderman Armstrong Crookin Cuneo Haynes
Hatz Macken Miller Moore Paris Cowell Ross & Wilson 12
Absent Alderman Scott Von Rosenberg 2

Crookin Crookin moved a Call of the Council
which was seconded, and the Marshal directed to bring
in the Absentees

Aldermen Scott & Von Rosenberg entered the Council chamber
and answered to their names.

On motion the ball was suspended.

The Mayor stated that the business before the Council was the
Ordinance bearing to the Consolidated Construction Company a
franchise to erect a dam across the Colorado River, and that
the said ordinance was opened for amendment

Alderman Powell moved that the ordinance be considered
Section by Section, which motion prevailed -

Viderman Moore offered the following Amendment to section 1
Amend by striking out the following, and for such additional
time as may be required under the terms of this ordinance
and insert "Shored dam on power housebreak said
Construction Co shall furnish to the City of Austin electric
lights and water by running the steam plant at its own
expense sufficient for the needs of the city"

The amendment was lost by the following Vote
Yeas Aldermen Armstrong Macken Miller Moore Redd 5
Nays Aldermen Crookin Cuneo Haynes Hatz Paris Powell
& Scott Von Rosenberg & Wilson 1

Section 1 was then read and adopted by the following Vote
Yeas Aldermen Armstrong Crookin Cuneo Haynes Hatz, Powell
Paris Scott, Von Rosenberg & Wilson 10
Nays Aldermen Macken Miller Moore & Redd 4

Alderman Moore offered the following amendment to
Section 2 of the ordinance, Strike out "The City shall
pay such extra expense, and the new power house shall
be same size as old power house, and plant for
same shall be furnished before contract is signed"
The amendment was lost by the following Vote
Yeas Aldermen Armstrong Hatz Macken Miller Moore
& Redd 6
Nays Aldermen Crookin Cuneo Haynes Paris Powell
& Scott Von Rosenberg & Wilson 8

Section 2 was read and adopted by the following Vote
Yeas Aldermen Crookin Cuneo Haynes Hatz Paris Powell
Von Rosenberg & Wilson 11
Nays Aldermen Armstrong Hatz Macken Miller Moore & Redd 5

Alderman Moore offered the following amendment to
 Section 3. Amend by striking out "at the City expense"
 and insert "at the Construction Site expense".
 The amendment was cast by the following vote:
 Yeas Aldermen Armstrong Macken Muller Moore Redd 6
 Nays Aldermen Crookshank Ernest Haynes Petri Powell Scott
 Von Rosenberg & Wilhelm 8

Section 3 was read and adopted by the following vote:
 Yeas Aldermen Crookshank Ernest Haynes Petri Powell
 Scott Von Rosenberg & Wilhelm 9

Nays Aldermen Armstrong Macken Muller Moore Redd 5

Section 4 was read and adopted by the following vote:
 Yeas Aldermen Armstrong Crookshank Ernest Haynes Petri
 Powell Muller Petri Powell Redd Scott Von Rosenberg & Wilhelm 12

Nays Aldermen Moore & Macken 2

Section 5 was read and adopted.

Section 6 was read and adopted by the following vote:
 Yeas Aldermen Armstrong Crookshank Ernest Haynes Petri
 Powell Muller Petri Powell Redd Scott Von Rosenberg & Wilhelm 12

Nays Aldermen Macken & Moore 2

Section 7 was read and adopted by the following vote:
 Yeas Aldermen Armstrong Crookshank Ernest Haynes Petri
 Powell Muller Petri Powell Redd Scott Von Rosenberg & Wilhelm 12

Nays Aldermen Macken & Moore 2

Section 8 was read and adopted by the following vote:
 Yeas Armstrong Crookshank Ernest Haynes Petri Powell
 Scott Von Rosenberg & Wilhelm 11

Nays Aldermen Macken & Moore 3

Section 9. was read and adopted.

Section 10 was read and adopted.

Section 11 was read and adopted by the following vote:
 Yeas Aldermen Armstrong Crookshank Ernest Haynes Petri
 Powell Muller Petri Powell Redd Scott Von Rosenberg & Wilhelm 11

Nays Aldermen Macken & Moore 3

Section 12 was read and adopted.

Section 13 was read and adopted by the following vote:
 Yeas Aldermen Armstrong Crookshank Ernest Haynes Petri
 Powell Muller Petri Powell Redd Scott Von Rosenberg & Wilhelm 13

Nays Alderman Macken 1

Section 14 was read and adopted by the following vote:
 Yeas Aldermen Armstrong Crookshank Ernest Haynes Petri
 Powell Muller Petri Powell Redd Scott Von Rosenberg & Wilhelm 13

Nay Alderman Macken 1

Section 15 was read and adopted by the following vote:
 Yeas Aldermen Armstrong Crookshank Ernest Haynes Petri
 Powell Muller Petri Powell Redd Scott Von Rosenberg & Wilhelm 13

Nays Alderman Macken 1

Section 16 was read and adopted by the following vote:
 Yeas Aldermen Armstrong Crookshank Ernest Haynes Petri
 Powell Muller Petri Powell Redd Scott Von Rosenberg & Wilhelm 13

Nays Alderman Macken 1

Alderman Moore offered the following amendment:

to Section 16. "Strike out that part which prevents the City from running the electric plant during time of war or blockade."

The amendment was lost by the following vote—
Yea Aldermen Macken Moore & Redd 3
Nay Aldermen Armstrong Crookshank Cuneo Hayes Katz Miller

Petri Powell Scott Von Rosenberg & Wilhelm 11

Section 16 was read and adopted by the following vote—

Yea Aldermen Armstrong Crookshank Cuneo Hayes Katz Miller
Petri Powell Scott Von Rosenberg & Wilhelm 11

Nay Aldermen Macken Moore & Redd 3

Section 17 was read and adopted by the following vote—

Yea Aldermen Armstrong Crookshank Cuneo Hayes Katz Miller
Petri Powell Redd Scott Von Rosenberg & Wilhelm 12

Nay Aldermen Macken Moore 2

Alderman Moore moved to strike out Section 18, which motion was lost by the following vote—

Yea Aldermen Macken Moore & Redd 3

Nay Aldermen Armstrong Crookshank Cuneo Hayes Katz Miller
Petri Powell Scott Von Rosenberg & Wilhelm 11

In Motion of Alderman Macken debate was limited to five minutes on each section.

Section 18 was read and adopted by the following vote—

Yea Aldermen Armstrong Crookshank Cuneo Hayes Katz Miller
Miller Petri Powell Scott Von Rosenberg & Wilhelm 11

Nay Aldermen Macken Moore & Redd 3

Section 19. was read and adopted by the following vote—

Aldermen Armstrong Crookshank Cuneo Hayes Katz Miller
Miller Petri Powell Redd Scott Von Rosenberg & Wilhelm 13

Nay Alderman Macken 1

Section 20 was read and adopted

Section 21 was read and adopted by the following vote—

Yea Aldermen Armstrong Crookshank Cuneo Hayes Katz Miller
Miller Petri Powell Redd Scott Von Rosenberg & Wilhelm 13

Nay Alderman Macken 1

Section 22 was read and adopted by the following vote—

Yea Aldermen Armstrong Crookshank Cuneo Hayes Katz Miller
Miller Petri Powell Redd Scott Von Rosenberg & Wilhelm 15

Nay None.

Section 23 was read and adopted by the following vote—

Yea Aldermen Armstrong Crookshank Cuneo Hayes Katz Miller
Miller Petri Powell Redd Scott Von Rosenberg & Wilhelm 12

Nay Aldermen Macken & Moore 2

Section 24 was read and adopted by the following vote—

Yea Aldermen Armstrong Crookshank Cuneo Hayes Katz Miller
Miller Moore Petri Powell Redd Scott Von Rosenberg & Wilhelm 13

An. W.C. im

Nay Alderman Macken 1

Alderman Moore offered the following amendment
to Section 25. "That in the event they two cannot agree the
District Judge of the 53rd Judicial District shall appoint one"
The Amendment was lost by the following vote
Yes Aldermen Armstrong, Bullock Moore, Powell Redd
No Alderman Walker

Van Aldermen Grooken Cuneo Hayes Katz Pehr Von Rosenberg
Schwab

Section 25 was read and adopted
The ordinance was then passed by the following vote
Years Aldermen Prosker, Gove, Keynes, Katz, Miller, Tripp, Powell
Secy. Tom Rosenberg & Wilhelm 10

Name: Aldermen Armstrong Macken Moore & Padd

Alderman Lunen moved to reconsider the Vote by
which the ordinance was passed, and to lay that Motion
on the Table, which Motion prevailed by the following, Vote
was Aldermen Armstrong Crookan Lunen & Moore that Motion
be taken Petri Powell Redd Scott Von Rosenberg & Wilhalm 13
Nays Alderman Moore 1

Alderman Von Rosenberg ask permission to present and have spread upon the Minutes his reasons for voting for the ordinance. The permission was granted.

As a private citizen who has at heart the best interest of Austin and the General Welfare of all her people I earnestly desire to see the dam rebuilt, but the rebuilding should be under such conditions and upon such terms as will be the least burdensome to the people, through granting reasonable compensation to the builders I believe this can be done I do not believe the present proposed Contract does this The compensation for the term of years and privileges granted to the Contractors are obligations too great to be imposed upon our people, in return for the service to be rendered

I think more favorable terms could be secured if an open opportunity should be given of the execution of this contract were my own private affair I would decline to accept it But as I am a representative of a citizenship who have voted by a large majority that this contract should be entered into I prefer to carry out their will rather than sacrifice it for the salvation of my own personal views

as a citizen I oppose the present Bankrupt but I
leid my individual judgment to those of my
constituents by voting for the proposition

"6." — "Von Passau,
Ludwigburg auf der Bahnlinie
und nach Stuttgart. Die Kosten für den Zug
Viele waren bestimmt war gestrichen

.....
not for me to give
Date

To Mayor and Board of Councilmen
I desire to file the following reasons why on yesterday,
I voted against the Ordinance regarding the regulation
of the dam, which was because the Council had not
therefore been presented to the Council on a copy,
furnished, and a publication in the paper; hence
I did not know what I would be voting for,
hence I voted against the ordinance

Respectfully,

I Frank Katz Alderman
at large to Ward 5

Geo. O. Johnson
City Clerk

In Motion the Council adjourned.